

## DECISION MEMORANDUM

**TO:** COMMISSIONER ANDERSON  
COMMISSIONER HAMMOND  
COMMISSIONER LODGE  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** RILEY NEWTON, DEPUTY ATTORNEY GENERAL  
JON KRUCK, CONSUMER ASSISTANCE

**DATE:** MARCH 7, 2023

**SUBJECT:** IN THE MATTER OF THAIN CASHMORE’S FORMAL COMPLAINT  
AGAINST GINO ENDO COUNTY ELECTRICAL INSPECTOR AND  
IDAHO POWER COMPANY; CASE NO. IPC-E-23-06.

### BACKGROUND

On February 9, 2023, Thain Cashmore (“Complainant”), an Idaho Power Company (“Company”) customer lodged a formal complaint (“Complaint”) with the Commission. In the Complaint, Complainant disagreed with the Company’s refusal to recognize the grandfather status of the Complainant’s solar array notwithstanding the fact that the Company “had proof that the system was installed and paid for prior to 2020, meeting the requirement for grandfather status.” Complaint at 1.

Before filing the Complaint, Complainant registered an informal complaint with the Idaho Public Utilities Commission’s consumer assistance staff (“Staff”) regarding the same matter that is subject of the Complaint. Staff could not informally resolve the dispute between Complainant and the Company.

### THE COMPLAINT

Commission Rule 22 “encourages the use of informal proceedings to settle or determine cases.” IDAPA 31.01.01.022. *See also* IDAPA 31.01.01.054.05 (“[t]he Commission encourages the use of informal proceeding (see Rules 21 through 26) to resolve or settle formal complaints.”) “The Commission shall determine how a formal complaint should be processed, e.g., issuance of a summons, open an investigation, informal procedure with Staff.” IDAPA 31.01.01.054.05.

Complainant alleges the following in the Complaint:

1. Complainant asserts he requested an initial inspection of his solar array April/May of 2020.

2. Complainant asserts that he agreed to the inspector's request to move the inspection date to October/November of 2020.

3. Complainant asserts that the "the inspector wasn't feeling well" when the October/November time came "and postponed . . . [the] . . . inspection until December." Complaint at 1.

4. Complainant states that, because the inspector was unable to make the inspection until December 29, 2020, the paperwork was not completed by the grandfathering deadline of 12/20/2020.

5. Complainant asserts that the Company had proof the system was "installed and paid for prior to 2020, meeting the requirement for grandfather status." *Id.*

6. Complainant states that "[t]he only missing piece was the state inspection of the system and having Idaho Power finish their end." *Id.*

7. Complainant states that he lost his grandfather status "because of situations that are beyond our control, the state inspector was overworked at the time and hampered by covid restrictions and sickness." *Id.* Complainant cites *Idaho Code* § 63-113, even though acknowledging it is a tax provision, for the proposition that "extensions can be given under strenuous times." *Id.*

8. Complainant asserts that "everyone did their best at the time, in good faith, yet we as home-owners have been wronged." *Id.*

In conclusion, Complainant requests the Commission grant grandfather status to Complainant's solar array and allow the Company to finish its end of the connection process thereby giving the whole system "the proper green light." *Id.*

### **CONTROLLING LEGAL STANDARDS**

The Complaint concerns the rule pronounced in Commission Order No. 34509 governing grandfathering status for customers with on-site generation systems—i.e., net-metering rules. Under this rule, if a customer: (1) had an on-site generation system interconnected with the Company's system on December 20, 2019, or (2) had made binding financial commitments to install an on-site generation system as of December 20, 2019, and proceeded to install and interconnect the system within one year, the previously installed or newly installed on-site

generation system would be governed by the net-metering terms and rules in place when such system was designed and/or installed. Order No. 34509 at 10, 14-15; *see also* Order No. 34546 at 8-9 (clarifying certain issues relating to grandfathering including that it is the *system* that receives and maintains grandfather status not the *customer*, and that a customer can expand their system without losing grandfathered status for the entire system if the expansion is metered separately).

IDAPA Rule 31.01.01.054.03 provides that “[f]ormal complaints must . . . [r]efer to the specific provision of statute, rule, order, notice, tariff or other controlling law that the utility or person has violated.” IDAPA Rule 31.01.01.065 provides that insufficient or defective filings may be dismissed.

### **STAFF RECOMMENDATION**

Staff recommends that the Commission issue a Summons requiring the Company to answer the Complaint within 21 days of issuance of the Summons and allow Staff and the Complainant 14 days to respond to the Company’s response.

### **COMMISSION DECISION**

Does the Commission wish to:

1. Issue a Summons requiring the Company to answer the Complaint within 21 days of issuance of the Summons and allow Staff and the Complainant 14 days to respond to the Company’s response?
2. Does the Commission wish to dismiss the Complaint under IDAPA Rule 31.01.01.054.03, without prejudice, for failing to cite any statute, rule, order, notice, tariff, or controlling law the Company has violated?
3. Anything else?



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Riley Newton  
Deputy Attorney General